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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------------|------------------------|
| 10/572,790 | 03/21/2006 | Thorsten Cassier | 3609 | 3405 |
| 7590 Striker, Striker, & Stenby 103 East Neck Road Huntington, NY 11743 | | 06/27/2007 | EXAMINER UNDERDAHL, THANE E | |
| | | | ART UNIT 1651 | PAPER NUMBER |
| | | | MAIL DATE 06/27/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/572,790 | CASSIER ET AL. | |
| | Examiner | Art Unit | |
| | Thane Underdahl | 1651 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/21/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-36 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted. The groups and the claims they include are as follows:

Group I, claim(s) 1-23, drawn to Cosmetic composition comprising (a) at least one compound selected from the group consisting of ascorbic-acid, ascorbic acid derivative and an ascorbic acid salt, (b) an enzyme that catalyzes the enzymatic oxidation of said of ascorbic acid, ascorbic acid derivative or ascorbic acid salt and (c) at least one cosmetic ingredient.

Group II, claim(s) 24 and 26-29, drawn to a method comprising the steps of (i) providing a component (A) comprising at least one compound selected from the group of ascorbic acid, its salt or derivative as well as a cosmetic ingredient, (ii) providing a compound (B) comprising an enzyme that catalyzes the enzymatic oxidation of ascorbic acid, derivative or salt (iii) providing a component (C) comprising oxygen, (iv) missing the components (A) and (B) for 1 to 20 minutes before application (v) mixing component (C) with the mixture of components (A) and (B).

Group III, claim(s) 25 and 26-29, drawn to a method comprising the steps of (i) providing a component (A') comprising at least one compound selected from the group of ascorbic acid, its salt or derivative as well as a cosmetic ingredient, and enzyme that catalyzes the enzymatic oxidation of ascorbic acid, derivative or salt (ii) providing a compound (B') comprising an aqueous or aqueous-alcoholic composition (iii) providing a component (C') comprising oxygen, (iv) missing the components (A') and (B') for 1 to 20 minutes before application (v) mixing component (C') with the mixture of components (A') and (B')***.

Group IV, claim(s) 30-33, drawn to a method to oxidize keratin comprising the steps of a) providing the composition of claim 1, b) apply said composition to keratin, c) allowing cosmetic composition to act on keratin for a sufficient time, d) rinsing the keratin.

Group V, claim(s) 34, 35 and 36 drawn to a methods that shape hair using a keratin reducing composition.

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***The Examiner believes these symbols are a typo in claim 25.

(a) An international or national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. Where a group of inventions is claimed in an application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those invention involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the **CLAIMED INVENTIONS, CONSIDERED AS A WHOLE, MAKES OVER THE PRIOR ART.**

The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because the invention AS CLAIMED is known in the art, see (Kravtchenko et al., U.S. Patent Publication # 2002/0034488), and thus no special technical feature unites these inventions in a category.

The special technical feature being a composition that contains ascorbic acid or a derivative and an enzyme which oxidizes it and at least one cosmetic ingredient.

Kravtchenko et al. teach a cosmetic composition that includes L-ascorbate peroxidases with the donor of L-ascorbate (paragraphs 48 and 51) and water as a cosmetic ingredient (claim 34).

ELECTION OF SPECIES

In addition if Group I is elected, a further election of species must be made. This application contains claims containing the following patentably distinct species which are described below:

The applicant must elect one origin of the enzyme in claim(s) 5 selected from the group consisting of EC 1.10.3.3, plant origin, *Arabidopsis*, *Brassica*, *Cucumis*, *Cucurbita*, *Myrothecium*, *Nicotiana*, *Oryza*, *Sinapis*, *Titicum*.

The applicant must elect one stabilizing substance in claim(s) 13 selected from a buffers, glycerol, polyhydroxy compounds, metal chelating agents, thiols, polyethylene glycol, nonreactive proteins and immobilization.

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If applicant elects immobilization as the stabilizing substance from above, a further election of species is required, selected from the group listed in claim 15.

The applicant must elect one cosmetic ingredient selected from the list in claim 19.

The species are independent or distinct because they do not belong to any art recognized group nor do they share a substantial structural feature. Art on one species does not render the others obvious.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention and if necessary the species to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

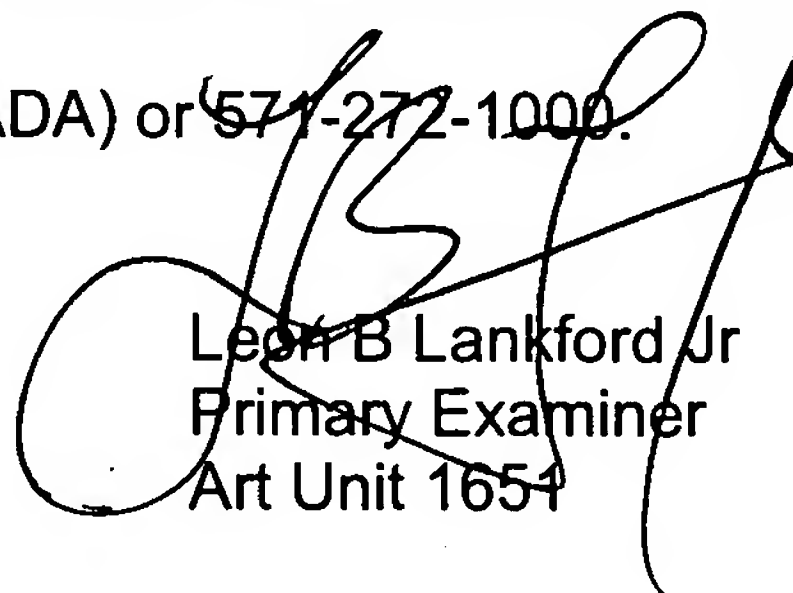
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thane Underdahl whose telephone number is (571) 272-9042. The examiner can normally be reached on Monday-Thursday 8:00 to 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on (571) 272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thane Underdahl
Art Unit 1651



Leon B Lankford Jr
Primary Examiner
Art Unit 1651